

Examining Religious Education in Finland from a Human Rights Perspective

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Religious Education (hereafter RE) has a strong potential for promoting human rights. Consequently, it is essential to consider the human rights perspective when pondering the aims, content, and practical organization of RE. Additionally, the issue of human rights is vital in considerations related to the place of religion in the public sphere, such as the various contexts of institutional education: kindergartens, preschools and schools. Moreover, it is important from the perspective of religious minorities in particular to consider the negotiations and clashes of values encountered by children and young people whose family socialization differs significantly from the dominant value hegemony in the school social context (Kuusisto, 2010; 2011). Different interpretations of religious freedom and the right to religious education are important considerations for RE. However, the complex interplay of ‘public’ and ‘private’ must be reconsidered when analysing human rights issues related to religion. Furthermore, the framework of a child’s right to religion versus that of parents’ right to education according to worldview must be scrutinized.

Introduction

This article aims to identify forms of RE that would be sound in terms of a human rights legal framework. To illustrate what we mean by this, Evans’ work (2008) provides a good example by exploring the nature of RE in state schools from the international human rights perspectives that

inform different approaches to teaching religion. Our reflections emerge from the Finnish context, and we will expand our theoretical analysis to the role of religion, education and human rights in the wider public space (Kuusisto, Poulter, Kallioniemi, forthcoming). Firstly, we will elaborate different interpretations of religious freedom and the right to religious education. Then we approach the issue in terms of how RE can be practically organized from a human rights perspective. Finally, we examine human rights and RE within the wider debate on religion in Western societies and the public sphere. The article stems from our empirical work in different contexts, but here, instead of providing data excerpts, we aim to bring out the central theoretical issues concerning the phenomenon. We are presently engaged in examining the views on religion and RE of comprehensive school pupils in three countries (Finland, Sweden, Estonia) in the research projects *Encountering Diversity in Education (EDEN)*¹—which is being completed in close co-operation with the Swedish-Estonian *Cultural and Religious Diversity in Primary school (CARDIPS)*² project—and in *Learning from Religions and Worldviews in Schools in Globalising Societies (LerREW)*.³

Human rights are rights which belong to any individual as a consequence of being human (Piechowiak, 1999: 3). Human rights also refer to a well-organized relationship between the individual and the state (Scheinin, 2002: 1–14). Although there are different, even contradictory, understandings of the nature and content of this relationship, human rights can be seen to exist universally across moral systems (for more about the philosophical basis and the ontology of human rights see, for example, Gewirth (1982: 41–78; 218–233) and Nickel (1987, 1–81; 171–179)). Human rights conventions are also legally binding documents in the countries that have ratified them (Drzewicki, 1999: 25–47; Scheinin, 2002; Matilainen 2011). The function of human rights is also to safeguard and promote human dignity (*Menschenwürde*) (Zajadło, 1999: 15–23; Kilcullen, 2010). In order to appreciate the human worth of other individuals, one needs to be a moral subject. This requires freedom: only a free human being can be truly moral, and the way in which an individual utilises her freedom influences how her human worth is realised. Competence in contemplating one's actions, making moral decisions and taking the consequent actions is required of proficient citizens. The core principle of human rights is the understanding that each community has a class of actions which are mutually acknowledged to be permitted or required (Kilcullen, 2010; Hallamaa, 2008: 64–65). However, to become an autonomous, free subject, one needs to be educated in a moral sense. This pedagogical paradox illustrates the necessity of acting at the

¹ <http://blogs.helsinki.fi/katsomusaineet/in-english/research-projects/eden-encountering-diversity-in-education/>

² http://www.sh.se/p3/ext/content.nsf/aget?openagent&key=projekt_page_eng_1383834365104

³ <http://blogs.helsinki.fi/katsomusaineet/in-english/research-projects/>

crossroads of freedom and control of an individual (Siljander, 2014: 31). True democracy requires the presence of morally autonomous individuals who are capable of independent and critical thinking. Thus, moral education is a precondition of democratic life (Tarrant 1989: 22).

From a philosophical perspective, a legally binding system of human rights does not create human rights themselves; rather, the purpose of human rights instruments is to protect human rights (Piechowiak, 1999: 6). However, legally binding documents can create a common value basis for dealing with situations where there are different understandings of the nature and content of human rights. In an educational context, these legally binding documents provide the criteria for educational aims and set the scope for educational actions. Moreover, in education human rights are usually established as core values, for example in the framework of curricula (Matilainen, 2011: 1–8). Education informs about the legal dimension of human rights as well as educates about and towards the values (etc. human dignity, equality) which are connected to human rights. Human rights provide tools for making transparent the criteria by which the relationship between the community and its members can be satisfactorily organised. Human rights help justify the reasons for safeguarding personal integrity and, for example, define the limits to parental power over a child and establish parental responsibilities from the perspective of the needs of the child. (Hallamaa, 2008: 64–66).

The rights of the child and the child's 'best interest' should always be at the heart of any examination of questions related to education, including religious instruction. The UN Declaration of the Rights of the Child (1959) describes children as being entitled to holistic support in their development towards adulthood. Principle 2 states: "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity." Furthermore, in terms of applying this, the Principle continues: "In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration" (UN Declaration of the Rights of the Child, 1959).⁴

The Convention on the Rights of the Child, furthermore, states in Article 2 that: "States Parties shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction

⁴ Proclaimed by General Assembly Resolution 1386(XIV) of 20 November 1959. This was the basis of the Convention of the Rights of the Child adopted by the UN General Assembly 30 years later on 20 November 1989. The Convention on the Rights of the Child entered into force on in September 1990.

without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, ... or other status.” And “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the ... expressed opinions, or beliefs of the child's parents, legal guardians, or family members.” Moreover, Article 14 of the Convention’s declares: “States Parties shall respect the right of the child to freedom of thought, conscience and religion,” continuing that “States Parties shall respect the rights and duties of the parents ... to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child” (The Convention on the Rights of the Child, 1989).

Different interpretations of religious freedom and the right to religious education

The UN Convention of the Rights of the Child raises the issue of *whose* right is in question when it comes to religious education, the *parental right* to socialize children according to particular worldview values—which may also differ greatly between a child’s parents, in which case this question is even more complex—or the *right of the child* to receive instruction on worldviews. In international law, according to European Convention on Human Rights and in Covenant for Civil and Political Rights for example, parents clearly have a right to educate their children in accordance with their religious or philosophical convictions. However, the state does not have to provide a form of education in accordance with parental beliefs, but parents must have the right to withdraw their children from teaching that is against their conviction (Council of Europe, 2014: 79). Children, for their part, are regarded as autonomous individual persons meaning that they have the same right to freedom of religion or belief as adults but their rights have to be seen in balance with the rights of parents in relation to upbringing within particular religious or philosophical traditions. The best interests of the child should be as a primary consideration when judging the transition from parents acting on behalf of children, and children acting as autonomous individuals (Council of Europe, 2014: 80).

Typically, religious upbringing at home and religious education at school have different aims: Religious upbringing provided by parents is typically focused on a child’s socialization into a particular religious tradition (e.g. Kuusisto, 2003; 2011b), whereas RE in educational institutions aims—in principle—at providing every pupil with both an ‘objective’, diverse view of religions and wider critical religious literacy. Similarly, the focus of teaching in religious communities is on

socializing children into to a specific religious tradition and membership of a religious community. In contrast, school or kindergarten education plays a critical role in providing information on a variety of worldviews, giving a democratic and reflexive frame of reference for different interpretations. Naturally, the RE provided by educational institutions has different aims and content depending on the level of schooling, from kindergarten (e.g. Kuusisto & Lamminmäki-Vartia, 2012) to comprehensive and upper secondary school.

The quote from the Convention also raises the question of education as *Bildung* (Siljander, 2014: 33–53) and how it is perceived: is it a matter of nature or nurture, socialization, individuation, or agency (e.g. Kuusisto, 2011b)? This is also related to considering different interpretations of freedom of religion when formulating the aims and the content of religious education and instruction, as religious freedom and the right to religious education play an important role in RE (Matilainen & Kallioniemi, 2011). In Finland the freedom of Religion Act was reformed in 2003 to emphasize the positive freedom of religion. Consequently, it states that in the education system a child has the right to her own religion and instruction that stems from the recognition of the positive freedom of religion (Basic Education Act, Amendment 2003/454, 13§).

When examining the goals and content of societal education, a child's right to education vis-a-vis religion should be understood first as the right to knowledge and information about religions and other worldviews that are present in that child's everyday life, second as the provision of tools for constructing a personal worldview and, and third as the development of understanding and dialogical approach to alternative worldviews. Furthermore, the right to question the education provided is of utmost importance, which is, in particular, an issue of parental socialization. Recognition of individual agency plays a critical role here, and educators need to see that in order for a worldview to be personal, questions about the reasons behind religious practices should be allowed and even encouraged in order for children to be able to make informed decisions on their worldview. In other words, we argue that gaining religious literacy is an essential part of the right of children and young people to become autonomous individuals.

In international research on RE, three different approaches to the subject are commonly advanced: learning religion, learning about religion and learning from religion (Hull, 2001: 3–5). *Learning religion* is based on a situation where school RE focuses on one specific religion. The aim of education is to strengthen pupils' commitment to their own religion or make them believers. A characteristic of this approach is that religious representatives control the curriculum, learning

materials and learning sets (Hull, 2001: 3). In the *learning about religion* approach, the perspective of teaching is non-religious. The approach can be termed a religious studies-based descriptive approach (Hull, 2001: 4). In contrast, the *learning from religion* approach is based on the idea that RE should aim to support pupils' development in their search for the elements of religion which have significance for their moral and spiritual growth. The focus of this approach is on pupils' own experiences. In the first two approaches, the main perspective is religion, but in the last approach the key perspective is the pupil and his or her life questions. (Hull, 2001: 6).

There are many approaches to whether and how religion should be taught in state schools. According to international criteria for religious education (Schweitzer 2002), despite the model of RE, whether it is confessional or secular, teaching should always include other religions and worldviews in addition to instruction into one's own religion. There is strong agreement among scholars of international RE that in multicultural, multi-faith societies RE should be based on the academic study of religion, rather than on confessional issues and faith, and that schools should play a neutral role in providing knowledge about religion and teaching active tolerance and dialogue between worldviews, rather than strengthening belonging to a certain religious group or clearly constructing a religious identity. Nevertheless, the question of identity is very problematic here, as identity formation is the central educational task in all sectors of education. However, the issue at stake is the degree to which it is justified in the context of school RE to make pupils learn certain religious identity; instead, it should rather understand its role as providing tools for a personal growth and individual identity formation.

Schweitzer (2005; 2007) discusses children's right to religion and spirituality, stating that while spiritual development has played a clear role in children's rights since the 1924 Geneva Declaration, the 1989 Convention is lacking in the respect that it fails to include a sufficiently precise reference to children's right to religious and spiritual education. Furthermore, as the spiritual rights of the child are located in the section of the Convention which defines standards of living, not in the section that describes the child's right to education, Schweitzer concludes that the convention confers no specific legal right to religious education. He continues that a child's right to religion should in fact be a pedagogical rather than a legal question; however, including such a right as a legal obligation could function as a moral standard that would be likely to improve accessibility to this kind of education. In his opinion, children's right to religion should be an educational right that would translate into educational attitudes and approaches which take children seriously as

active subjects of experience rather than as passive objects of education (Schweitzer, 2005: 103-107). Indeed, the critical role of children's agency in the process of worldview development has been examined in a study on religious socialization within a religious minority in Finland (Kuusisto, 2003: 2011b). Furthermore, de Ruyter (2002) also argues that children should have a right to what she calls "meaningful education". She defines this as "education that assists children to find their meaning in life"; this requires a coherent primary culture and the opportunity for children to use the conception of the "good" offered by their parents while being free to explore other conceptions (de Ruyter, 2002: 34, 38).

Although the guidelines proposed above are not specific about the content and implementation of education on worldviews, to approach the matter from the other direction, the human rights perspective should be paramount when considering the aims, content and practical organization of RE instruction (Matilainen & Kallioniemi, 2011). Additionally, the human rights perspective is vital in considerations related to the place of religion in the public sphere (Riitaoja, Poulter & Kuusisto, 2010, 2015; Poulter 2013). Moreover, it is important from the perspective of religious minorities in particular to consider the negotiations and clashes of values encountered by children and young people whose family socialization differs significantly from the dominant value hegemony in the school social context (Kuusisto 2010; 2011).

Human Rights Considerations on the Practical Organisation of RE

RE that is appropriate from the human rights perspective sets certain criteria for education that require careful analysis (see Evans 2008). The recently published Council of Europe publication *Signposts* (2014) provides general guidelines both for the study of religions and non-religious worldviews and also the importance of the human rights perspective within it. The framework of human rights is also crucial in considering the different models for practical organization of RE. Evans (2008) explores six different approaches for teaching about religion in state schools and argues that the best RE approach for defending human rights principles is one that is pluralistic in nature but does not violate the other rights of the pupil. She considers the Toledo Guiding Principles⁵ the authoritative document for defending education that is inclusive, fair and respectful

⁵ The Toledo Guiding Principles were issued by the Organisation for Security and Co-operation in Europe (OSCE) in 2007. They were developed by an inter-disciplinary team that comprised international human rights lawyers, educators and academics. The Toledo Guiding Principles is a handbook that offers guidance on preparing curricula for teaching about religions and beliefs, and it is based on human rights and in particular the right to freedom of conscience. (Santoro 2008, 83.)

to both religious and non-religious views, while acknowledging the complexity and partiality of a single document. To create an educationally sound and religiously respectful model of RE is a multidimensional issue where there are no absolute answers and many possible alternatives.

The Finnish solution for organizing RE in schools is absolutely unique: the Finnish model is a religion-based model (Schreiner, 2001) offering students teaching of either their 'own' religion or secular ethics according to their religious or non-religious affiliation throughout comprehensive school. The current system of RE includes individual curricula for 13 minority religions and secular ethics parallel to majority Lutheran education. RE is defined as non-confessional in that education is not permitted to include religious practice (Seppo, 2003).

The pros and cons of the Finnish model of RE have been the topic of national debate, but they have also provoked international interest. This is due to the practical arrangement of teaching groups in Finland, where RE is organized according to the pupil's religious affiliation, which ultimately depends on the religion of the parent. The current model was redefined in the 2003 reform of the Freedom of Religion Act to emphasize the positive freedom of religion. As a consequence of the 2003 reform, 'confession' was changed to expression of 'one's own religion' (Basic Education Act, Amendment 2003/454, 13§). The idea is that pupils are first able to familiarize themselves thoroughly with their own religion, which is seen as helpful for studying other religions and worldviews. (More about Finnish model cf. Kallioniemi 2010; Matilainen & Kallioniemi 2011; Matilainen 2014.) The Finnish model has been seen as guaranteeing the rights of religious minorities to receive and provide non-confessional RE according to their own religion in state-owned schools (Matilainen & Kallioniemi, 2011; Kuusisto & Kallioniemi, 2014; Rissanen, 2014.) The model has also been justified by claims that instead of the subject placing itself either in the confessional or secular ends, Finnish RE has its standpoint in every pupil's 'own' particular religious tradition from which the different layers of 'the other' are reflected.

From the perspective of children's rights one may well ask how Finnish RE is provided according to a child's 'own' religion if it is determined by the parents' religious affiliation. Another important point is to ask whether in the classes based on children's 'own religion' internally diverse worldviews of pupils belonging officially to the same religion are recognized (Poulter, Riitaola & Kuusisto, forthcoming). The argument that primarily, a child has the right to her own religion, can also be approached from the perspective that a child must also have the right to learn not just from her own religion but also from other religions and worldviews, which in formal education would mean preparing future-citizens for dialogue and understanding of the other. Interestingly, in Finland

Lutheran students are obliged to participate in Lutheran RE; all other pupils, whether they belong to another religion or have no religion at all, are free to choose between all the possible RE or secular ethics classes that are taught at the local school. The recent research show that Finnish minority RE (such as Islamic, Buddhist, orthodox Christian RE) has many outcomes; at best, it might help pupils with minority religious identities integrate into Finnish society, so that Muslims would view themselves, for instance, as Finnish Muslims (Rissanen 2014). In contrast, the lack of dialogue within schools and between classes because of the segregated model of RE is a great challenge to the inclusion of minority students in the school culture (Zilliacus 2014).

The perspectives of various stakeholder groups have also been studied and the results are in line with previous international studies, such as the REDCo⁶ projects. What is typical of the views expressed is that people generally favour the model of which they have personal experience (Kuusisto & Kallioniemi, *in press*). However, there are some interesting exceptions. Headmasters sometimes see the present model as rather demanding, as for them the increasingly multi-faith setting imposes the requirement of finding qualified teachers for each minority RE group and allocating suitable times and venues for the different instruction groups. Nevertheless, headmasters also value the present model from the perspective of the freedom of religion, as an opportunity for students to receive RE according to their own religion, for its ability to increase pupils' knowledge of their 'own roots', for the opportunity to understand people from different religious backgrounds, and for those students who are not members of a particular religious community, for the chance to study another religion. The main limitation of the model is seen by headmasters to be the physical separation of teaching groups, which limits the possibility of religious dialogue among peers. This was seen as one of the main challenges in modern RE. (Matilainen & Kallioniemi, 2011.)

In Finland, some private schools, especially in urban areas, have recently implemented a partly integrative model of RE, with the particular aim of bringing students together in the classroom to create dialogue between worldviews. There is growing interest in such an integrative school subject, and consequently some research projects have begun to study the topic. To date, several arguments for and against whether such a model can secure students' right to their own religion have been raised, but the academic contribution to the discussion has started to emerge only very recently: the first results on the experiences of pupils indicate that the integrative model is considered being a

⁶ *Religion in Education. A contribution to Dialogue or a factor of Conflict in transforming societies of European Countries (REDCo)*. <http://www.redco.uni-hamburg.de/web/3480/3481/index.html>.

safe learning space between different worldviews and pupils associate very positive views on not being physically separated on the basis of their worldview (Åhs, Poulter, Kallioniemi, submitted).

The human rights perspective in relation to the place of religion in the public space

The public space is an essential category of the modern civic state, a forum for the construction of the social and private identities of its citizens (Fraser, 1995: 287). Based on a secularist reading of the philosophy of the Enlightenment in the West, the modern public space has widely been interpreted as radically non-religious (Taylor, 1995: 267). People have been expected only to use language and justifications that are ‘common to all’, i.e. language that is secular. However, questions arise as to the extent to which people in the public space are expected to ‘translate’ religious language into secular language. (Habermas, 2011). From the freedom of religion perspective it is pertinent to question the grounds on which there might be elements in the supposedly neutral, secular language that can be unjust to some citizens or groups and whether in the name of democracy and the equality of all religious people can be required to renounce their personal convictions when acting in the public space. However, the combination of Protestantism and secularism in the Nordic context results in something that can be termed ‘secular Lutheranism’ (Riitaoja, Poulter, and Kuusisto 2010) or ‘secular Christianity’. As an unquestioned hegemony, secular Lutheranism is the privileged power position in the public space and thus, is ‘Othering’ towards purely secular or exclusively Christian worldviews as well as towards other non-Christian, non-secular worldviews (Poulter, Riitaoja and Kuusisto, 2015).

Finnish people consider religion as a highly private matter, and public institutions are considered to be free from religious elements, except for the use of culturally specific Lutheran expressions that are linked to nationality, of being a Finn (Kääriäinen, Niemelä and Ketola, 2005: 114, 168). To date, the public debate in Finland has mainly concerned religious festivals and individuals’ right to exemption from religious activities at school. However, there are more and more cases where the borderline between religious rights and human rights or other fundamental rights is open to interpretation. For instance, there has been much debate over the cases of a male Sikh bus driver’s right to wear a turban, a female Muslim supermarket worker dressed in hijab and the circumcision of male babies on the grounds of religious conviction (see e.g. Poulter & Kallioniemi, 2014).

Freedom of religion lies at the heart of democratic life. Nevertheless, it is evident that freedom of religion in the public sphere has been interpreted in various ways (Poulter, 2013). If and when freedom of religion is interpreted as a strictly private issue, and the freedom to express and manifest religion is restricted, the central aims of the European Convention of Human Rights (63/1999, §9) and the Finnish Constitution (731/1999, §11) will have been neglected. Thus, we argue that freedom of religion should be seen not simply as an individual right but as a broader issue, as a question of justice affecting society as a whole and consequently something that calls for defending both public and private forms of religion.

In Finland, similar to other European countries, the issue of the right to religious anonymity has recently been raised. The debate has centred on a complaint related to the right to leave the school end-of-year ceremony before the religious hymn that marks the end of the school year. It was claimed that if a person considered the hymn to violate her freedom from religion and decided to leave the event at the point where the hymn was to begin, the right to individual anonymity of worldview would be violated, as the cause for absenting oneself would clearly be the (religious) hymn. The Finnish National Board of Education (2014) previously concluded that this particular hymn was part of the Finnish cultural tradition and could thus be included in the school end-of-term ceremony and did not agree that there would be violation of freedom from religion. Similar law cases have arisen all around Europe in recent years (see Poulter, 2012; 2013) and currently in Finland the Citizens' Initiative on "Equal worldview education" is under preparation which criticizes the fact that the current RE model forces families to reveal their convictions and the memberships of religious communities or being members of none. Thus, the fully secular model of worldview education is argued not to label pupils in disavouring ways and create undesirable categories but rather to guarantee the religious anonymity and equality of all.⁷

In the current debate in Europe concerning the visibility of religion in the public sphere, reactions to religion have varied, and the European Court of Human Rights, for instance, has been accused of failing to take a clear stand on issues of religion, especially Islam (Pirjola, 2011). Furthermore, critical voices note that freedom of religion is often interpreted exclusively from a narrow secularist perspective, without taking into consideration the complex issue of an individual's right to commit to a collective, traditional lifestyle and set of moral principles (Martinez-Torrón, 2012: 3).

⁷ <https://www.facebook.com/katsomus>

Educational theorist Gert Biesta (2006: 78–79) argues that the reason behind the strict privatisation of religion can be partly explained in Europe by modern political systems' fear of both pluralism and traditionally non-Western religious and moral traditions that make strong value claims. However, religions would benefit from an active public dialogue between different understandings of human dignity and the discourse of secular human rights. However, The aspects of the faith where possible violation of human rights is justified in the name of religious authority should be questioned and critically reflected on. Otherwise, the nature of religious groups may become 'internally excluded' (Young, 2000: 55–56) from the public discussion by listening to their arguments but failing to take them seriously as reasonable or true (Biesta, 2009: 105). Instead, when the communication is bilateral, also both lay members and the authorities of religious traditions may fruitfully contribute to the promotion of human rights together with secular actors in society.

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